



Grafton Conservation Commission

MINUTES of the GRAFTON CONSERVATION COMMISSION

April 5, 2016
7:00 p.m.

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A meeting of the Grafton Conservation Commission was held in Conference Room F of the Grafton Municipal Center on April 5, 2016. Present were: Co-Chairperson Sandra Brock, Co-Chairperson John Wilson, Peter Finn, Kathleen Theoharides, Conservation Agent Maria Mast, and Conservation Assistant Leah Cameron. Heather Trudell was absent.

The Commission attended the Board of Selectmen meeting in Conference Room A at 7:00 p.m. to discuss 48 Old Westboro Road (Henessey II) and the proposed construction of a new D.P.W. facility there. The Commission informed the Board of Selectmen of the Area of Critical Environmental Concern which the parcel falls within and its unique characteristics. The Commission expressed their desire to have a Conservation Restriction placed on the remainder of the parcel (aside from the D.P.W. facility) to preserve it.

Co-Chairperson Sandra Brock opened the public meeting at 7:35 p.m.

Request for Determination of Applicability – 211 Main Street (Assessor's Map 112, Lot 4B) – The applicant, Nicholas Ostrander, proposed the construction of a 12' x 12' shed within resource areas and requested that the Commission determine whether the area and/or the proposed work were subject to the Massachusetts Wetlands Protection Act and/or the Grafton Wetlands Protection Bylaw. The shed was proposed to be 50'-60' from the wetland boundary, within the existing lawn area. One to two inches of dirt will be removed per cinderblock. There were no comments from the audience. Peter Finn made a motion, seconded by Kathleen Theoharides, to issue a negative determination for 211 Main Street with the special condition that any excess fill shall not be placed within 100' of the wetland. The motion carried unanimously.

DEP File #164-910 Notice of Intent / WP #743 Application for Grafton Wetlands Protection Bylaw Permit – 13 West Street (Assessor's Map 74, Lot 28) – The applicant, Brennan Salo, proposed the demolition of an existing house and construction of a new single family house within resource areas. Robert Murphy from Robert G. Murphy & Associates, Inc. presented the project to the Commission. He submitted a new plan, with a revision date of April 5, 2016, which addressed comments that were previously provided by the Conservation Agent. These included: showing the 25' no-disturb boundary, providing an Operation & Maintenance Plan for the stormwater chamber, specifying 12" straw wattles for erosion control, adding detail for the impervious concrete washout structure, removing "when practicable" from the last sentence in item #4, and showing the locations of 25' no-disturb boundary signs, not more than 20' apart. The drainage basin was also relocated outside of the no-disturb zone. The applicant requested a waiver from the 25' no-disturb zone requirement in order to allow a 20' no-disturb zone instead. The Commission was not in support of this waiver request. Peter Finn pointed out that the limit of work line needs to follow the 25' no-disturb line. Robert Murphy said that they intended to leave the no-disturb zone in its natural state. The Conservation Agent pointed out that all the trees in the area had been cut and the stumps had been grubbed. Co-Chairperson Sandra Brock stated that this was a violation of state and local laws and that the 25' no-disturb zone needs to be vegetated. Brennan Salo admitted to initiating the tree cutting without Robert Murphy's knowledge. Robert Murphy stated that not additional work shall occur on site until the Order of Conditions is received. He also stated that they are proposing to repair the existing pipe and culvert on site and clean out the debris that is currently blocking the system. Co-Chairperson Sandra Brock asked for more detail to be on the plans about the size of the wetland/watershed flowing to the culvert, the size of the existing and proposed drainage pipes, the inverts of pipes and hydraulic calculations that demonstrate no impacts to the wetland and existing ponding. Lydia Bogart

of 8 Bernard Road said that the historic records from the Sewer Department may explain the presence of the drainage pipe. Co-Chairperson Sandra Brock said that a restoration plan, consisting of native plants, is needed for the 25' no-disturb zone. Peter Finn made a motion, seconded by Kathleen Theoharides, to continue the public hearing for 13 West Street to April 19, 2016 at the applicant's request. The motion carried unanimously.

DEP File #164- Notice of Intent / WP # Application for Grafton Wetlands Protection Bylaw Permit / SW # Application for Stormwater Management Bylaw Permit – 103 Worcester Street (Assessor's Map 46, Lot 19) – The applicants, Tina and Marc Theroux, proposed the construction of a commercial building and parking lot within a riverfront area. Norman Hill of Land Planning, Inc. presented the project to the Commission. Art Allen of EcoTec, Inc. was present to explain the riverfront regulations. He said that because the lot pre-dates the Rivers Act of 1996, the Commission has discretion to allow greater than 10% alteration for a commercial development. Right now, 11.4% is proposed to be impervious. However, alteration means any change, which would be a much higher percentage for this development. The Commission had concerns about the adequacy of the proposed snow storage areas. Lydia Bogart of 8 Bernard Road said that swans and turtles nest along the riverfront, animals live in the existing drainage hole, and that there are drainage issues on the road as well. Co-Chairperson Sandra Brock pointed out that the inner riparian zone will be maintained, there is no regulatory requirement for the applicant to complete a habitat study in this case, and the existing drainage issues on the road would be an issue for the town to address. Norman Hill stated that they planned on cutting the existing berm and placing rip rap to drain the existing puddle on the road into the existing drainage hole on site. Art Allen of EcoTec, Inc. confirmed that the existing drainage hole is not a wetland and that it currently infiltrates. Marc Theroux stated that they are not looking to touch the inner 100' riverfront area and that their alternative is to rent parking spaces across the street if they cannot exceed the 10% alteration. Peter Finn made a motion, seconded by Kathleen Theoharides, to continue the public hearing for 103 Worcester Street to May 3, 2016 at the applicant's request. The motion carried unanimously.

Request for Determination of Applicability - 15 George Hill Road (Assessor's Map 68, Lot 11B) – The applicant, Kevin Oteni, proposed the installation of a 14' x 24' shed within the buffer zone to resource areas and requested that the Commission determine whether the area and/or proposed work were subject to the Massachusetts Wetlands Protection Act and/or the Grafton Wetlands Protection Bylaw. Kevin Oteni said that he spoke to the construction crew and verified that they are familiar with erosion control installation procedures. The shed has been located as far away from the wetland as feasible. There were no comments from the audience. Peter Finn made a motion, seconded by Kathleen Theoharides, to issue a negative determination for 15 George Hill Road with the special conditions that straw wattles be utilized as erosion control between the wetland and the shed and that any excess fill shall not be placed within 100' of the wetland. The motion carried unanimously.

Request for Determination of Applicability – Keolis Commuter Services ROW – The applicant, Keolis Commuter Services, proposed vegetation management and requested that the Commission determine whether the boundaries of the resource areas on the plans were accurately delineated. There were no comments from the audience. Peter Finn made a motion, seconded by Kathleen Theoharides, to continue the public hearing for the Keolis Commuter Services ROW to May 3, 2016 at the applicant's request. The motion carried unanimously.

Request for Determination of Applicability – Providence & Worcester RR ROW – The applicant, Providence & Worcester Railroad, proposed vegetation management and requested that the Commission determine whether the boundaries of the resource areas on the plans were accurately delineated. Tom Lewis of TEC Associates presented the project to the Commission. The five year Vegetation Management Plan (VMP) expired and they are seeking renewal with the same delineation from 2011. There are certain designated no spray and limited spray areas. Buffer zone specific products shall be utilized. The Commission will receive a copy of the renewed VMP, as well as copies of the Yearly Operational Permits. There were no comments from the audience. Peter Finn made a motion, seconded by Kathleen Theoharides, to issue a positive determination

number 2A to confirm the delineation, as well as a negative determination number five to confirm that the activity is exempt from the regulations. The motion carried unanimously.

DEP File #164-911 Notice of Intent / WP #744 Application for Grafton Wetlands Protection Bylaw Permit – 25 R Trinity Ave (Assessor's Map 98, Lot 121) – The applicant, the Grafton Water District, proposed the installation of a pump station with an access road, site work, and associated utilities, including a bridge and temporary and permanent easements within resource areas. Matt Barry from Tata and Howard presented the project to the Commission. The project is proposed as far as possible from the wetland. Straw wattles, silt fence, and a dewatering basin are proposed. The proposed stormwater structure consists of a swale with check dams and a rip rap apron. The roof runoff will be infiltrated on site. The proposed bridge will arrive in pieces and be constructed on site by hand. The poured concrete abutments are proposed outside of the wetland. Co-Chairperson John Wilson mentioned that Fisherville Dam will be closed in the future, which will change the water level in the area. Co-Chairperson Sandra Brock suggested that the applicant consult with the Division of Fisheries & Wildlife about this. She also asked about the chemicals that will be stored on site. Matt Barry replied that chlorine gas and potassium hydroxide will be stored on site. Co-Chairperson Sandra Brock requested a narrative about the chemical storage which cites the applicable DEP regulations. She also explained that peer review will be completed for the project, by a company other than EcoTec, Inc., which was involved in designing the project. She also asked about the purpose of the proposed dry well. Matt Barry said that this is for the continuous sampling which is required. Bill Hanley of 38 Brigham Hill Road asked if work had begun on site yet because he had seen activity. Co-Chairperson Sandra Brock explained that well work had been completed under a previous approval. He also asked about the erosion control which was installed at the time of the well work but since removed. Co-Chairperson Sandra Brock explained that the erosion control is removed upon stabilization of the site and that new erosion control is proposed for the currently proposed project. He also asked if this project would be reviewed by the Natural Heritage and Endangered Species Program. Matt Barry said that this project does not fall within their jurisdiction. Co-Chairperson Sandra Brock said that this is something that would be verified in the peer review process. Joe Groucher and Scott Lemont, abutters at 24 and 25 Trinity Ave, said that the details of the easement on their properties have not been finalized. Peter Finn made a motion, seconded by Kathleen Theoharides, to continue the public hearing for 25 R Trinity Ave to May 3, 2016 at the applicant's request. The motion carried unanimously.

DEP File #164-616 / WP #463 – Brookmeadow Village – Request for partial Certificate of Compliance – The Commission reviewed a Request for a partial Certificate of Compliance for phase one of Brookmeadow Village subdivision. The Conservation Agent reviewed the as-built plans and visited the site. Normand Gamache from Guerriere & Halnon, Inc. stated that trail signs still need to be installed and the stone walls at the wildlife corridors still need to be constructed. Peter Finn mentioned that the corridors have been conveyed to the Commission so they can ensure they are completed. Co-Chairperson Sandra Brock made a motion, seconded by Peter Finn, to issue a partial Certificate of Compliance for Brookmeadow Village, excluding: the construction of the stone walls adjacent to the wildlife crossing underpasses, completion of the wildlife corridors, including revegetation and signs, and the installation of signs marking the hiking trails at trail heads and where the trails intersect the roads, which have not been completed. The motion carried unanimously.

Status of Enforcement at 24 Cortland Way – The Conservation Agent stated that under the Grafton Stormwater Management Bylaw, the town can have the necessary site work completed and be reimbursed by the owner. A letter was sent to the owner, dated April 4, 2016, explaining this. The owner contacted the Conservation office and said that they are hiring someone to start the work this week. The Conservation Agent will monitor the site and proceed with the action explained in the letter if the owner does not begin work within a week.

Draft "Report on Local Land Use Standards in Relation to LID" grant program results – The Commission postponed this discussion item to April 19, 2016.

March 15, 2016 Meeting Minutes – Kathleen Theoharides made a motion, seconded by Peter Finn, to accept the March 15, 2016 meeting minutes as drafted. The motion carried unanimously.

Commission Vacancy – Kathleen Theoharides announced her resignation from the Commission, creating a vacancy to be filled.

DEP #164-904 / WP #737 / SW#15-006 – 4 & 6 Upton Street – Request for minor change – The Commission postponed this discussion item.

Peter Finn made a motion, seconded by Kathleen Theoharides, to adjourn the meeting at 9:46 p.m. The motion carried unanimously.

Documents discussed located in the Conservation Commission office:

Requests for Determinations of Applicability & Determinations of Applicability for: 211 Main Street, 15 George Hill Road, P & W RR ROW
Request for Determination of Applicability for: Keolis Commuter Services ROW
Notices of Intent & Applications for Grafton Wetlands Protection Bylaw Permits for: 13 West Street, 103 Worcester Street, 25 R Trinity Ave
Applications for Stormwater Management Permits for: 103 Worcester Street
Request for partial Certificate of Compliance & Certificate of Compliance for: Brookmeadow Village
Letter dated April 4, 2016 re: 24 Cortland Way
Draft "Report on Local Land Use Standards in Relation to LID"
March 15, 2016 meeting minutes
Agent's Report to the Commissioners dated April 5, 2016

Minutes drafted by Leah Cameron

Approved on April 19, 2016